

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cr-203-MOC**

UNITED STATES OF AMERICA)	
)	
vs.)	<u>ORDER FOR DISMISSAL</u>
)	
BYRON LEE TATE)	

THIS MATTER is before the Court on the Government’s motion to dismiss the petition alleging supervised release violations in this matter. (Doc. No. 83). The Court finds good cause to grant the motion.

On October 26, 2023, while on supervised release for a 2017 violation of 18 U.S.C. 922(g), Defendant allegedly harassed a female employee of New Beginnings, a mental health treatment facility in Charlotte, NC. Defendant was discharged from New Beginnings the next day. Following the rules and regulations of a mental health treatment program was a condition of Defendant’s supervised release.

After Defendant’s discharge from New Beginnings, the probation office submitted a petition alleging that Defendant violated the conditions of his supervised release. (Doc. No. 72). Defendant was arrested and detained. Following his detention hearing, Defendant was released on bond. (Doc. Nos. 73, 78). Defendant has not violated any conditions of his bond.

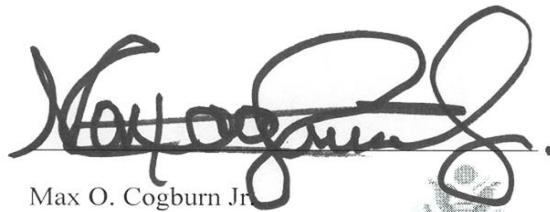
This is Defendant’s second supervised release violation. His initial term of supervised release was revoked after a domestic violence incident between Defendant and his girlfriend. Nonetheless, the Government—with the support of the probation office—moves to dismiss the instant violation petition.

Because the probation office recommends dismissal of the instant violation petition, because Defendant's period of supervised release was scheduled to terminate on April 13, 2024, and because the alleged victim of Defendant's harassment does not want Defendant to receive further punishment, the Court will grant the Government's motion to dismiss. The Court warns Defendant that future offenses—especially those involving violence against women—will not be afforded similar leniency.

ORDER

IT IS, THEREFORE, ORDERED that the Government's motion to dismiss (Doc. No. 83) is **GRANTED** and the petition (Doc. No. 72) is hereby **DISMISSED**.

Signed: April 9, 2024



Max O. Cogburn Jr.
United States District Judge